

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KARL LOUIS AMMANN,

10 Plaintiff,

11 v.

12 STEVE THOMPSON, *et al.*,

13 Defendants.

CASE NO. C07-1402-RSL-JPD

REPORT AND RECOMMENDATION

14 On September 10, 2007, plaintiff Karl Louis Ammann presented to this Court for filing a  
15 civil rights complaint under 42 U.S.C. § 1983 together with an application to proceed with this  
16 action *in forma pauperis*. Plaintiff alleged in his complaint that defendants had violated his  
17 rights under the Eighth Amendment. He also alleged that defendants had violated the Americans  
18 with Disabilities Act, the Uniform Commercial Code, and regulations of the Food and Drug  
19 Administration. Plaintiff identified in his complaint, and in his memorandum in support of his  
20 complaint, a total of thirty defendants.

21 On November 13, 2007, plaintiff's application for leave to proceed *in forma pauperis*  
22 was granted and his complaint was filed. (*See* Dkt. Nos. 6 and 7.) On the same date, this Court  
23 issued an order declining to serve plaintiff's complaint and granting him leave to amend. (Dkt.  
24 No. 8.) Plaintiff was advised therein of a number of specific deficiencies that would have to be  
25

26 REPORT AND RECOMMENDATION

PAGE - 1

1 corrected before service would be ordered. (Dkt. No. 8 at 2-4.) Plaintiff was granted thirty days  
2 within which to submit an amended complaint curing the specified deficiencies, and was advised  
3 that his failure to timely submit an amended complaint would result in a recommendation that  
4 this action be dismissed. (*Id.* at 4.)

5 Plaintiff failed to timely file an amended complaint and, on March 6, 2008, the  
6 Honorable Robert S. Lasnik, Chief United States District Judge, issued an order dismissing this  
7 action. (Dkt. No. 9.) Plaintiff thereafter submitted a series of letters in which he indicated that  
8 he had been deprived of his legal papers, that he had been on suicide/medical watch, and that he  
9 was unaware that the undersigned had ordered him to file an amended complaint. On March 20,  
10 2008, Chief Judge Lasnik issued an order vacating the order of dismissal and granting plaintiff  
11 leave to file an amended complaint curing the previously identified deficiencies within thirty  
12 days. (Dkt. No. 14.)

13 On April 16, 2008, plaintiff submitted a letter to the Court which contained a series of  
14 requests related to the preparation of his amended complaint, including a request for an  
15 extension of time. (Dkt. No. 15.) On April 24, 2008, this Court issued an order granting  
16 plaintiff additional time to file his amended complaint, though not as much time as plaintiff had  
17 requested. (Dkt. No. 16.) Plaintiff was directed to file his amended complaint not later than May  
18 30, 2008, and was advised that no further extensions of time would be granted. (*Id.*) This Court  
19 also denied the series of additional requests made by plaintiff in his letter. (*Id.*)

20 On May 16, 2008, plaintiff filed a notice of appeal of this Court's April 24, 2008, order.  
21 (Dkt. No. 17.) And, on May 28, 2008, plaintiff filed his amended complaint. (Dkt. No. 20.)  
22 Because of the pending appeal, this Court took no action on plaintiff's amended complaint and,  
23 instead, issued an order staying this action pending resolution of plaintiff's appeal. (Dkt. No.  
24 22.) Plaintiff's appeal has now been dismissed. (*See* Dkt. No. 23.) It is therefore appropriate to

1 lift the stay and review the sufficiency of plaintiff's amended complaint.

2 A review of plaintiff's amended complaint reveals that it does not cure any of the  
3 deficiencies previously identified by the Court. In fact, plaintiff's amended complaint does not  
4 set forth any claims against any of the named defendants. Instead, the amended complaint  
5 merely expresses plaintiff's dissatisfaction with the prior rulings of this Court. As plaintiff's  
6 amended complaint does not allege any cause of action against any of the named defendants, he  
7 has not adequately stated a claim for relief under § 1983.

8 When a complaint is frivolous, malicious, fails to state a claim on which relief may be  
9 granted, or seeks monetary relief against a defendant who is immune from such relief, the Court  
10 may dismiss an *in forma pauperis* complaint before service of process under 28 U.S.C. §  
11 1915(e)(2)(B). Because plaintiff's original complaint failed did not allege any viable cause of  
12 action, and because plaintiff's amended complaint does not assert any claims against the named  
13 defendants, this Court recommends that plaintiff's complaint, and this action, be dismissed  
14 without prejudice pursuant to  
15 § 1915(e)(2)(B). A proposed order accompanies this Report and Recommendation.

16 DATED this 3rd day of September, 2008.

17   
18 JAMES P. DONOHUE  
19 United States Magistrate Judge  
20  
21  
22  
23  
24  
25